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16 *Attorneys for Defendants*

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 DANIEL GONZALEZ and JEFFREY
21 HUGHES,

Case No. 2:18-cv-00979-APG-NJK

22 Plaintiffs,

23 vs.

24 DIAMOND RESORTS INTERNATIONAL
25 MARKETING, INC., DIAMOND
RESORTS INTERNATIONAL, INC.,
DIAMOND RESORTS CORPORATION,
26 and WEST MAUI RESORTS PARTNERS,
L.P.,

**STIPULATION OF DISMISSAL AS TO
CERTAIN OPT-IN PLAINTIFFS AND
HAWAII CLASS MEMBERS, AND
ORDER**

27 Defendants.

1 Pursuant to LR IA 6-2 and the Court's Order Granting in Part Motion for Summary
2 Judgment [ECF No. 259], the Parties hereby stipulate that the following FLSA Opt-In Plaintiffs
3 and Hawaii Class Members are dismissed from this action because they (1) filed for bankruptcy
4 protection and lack standing to assert their FLSA and/or Hawaii class claims, (2) released their
5 claims, and/or (3) are time barred from asserting their FLSA claims.

6 **I. FLSA Opt-In Plaintiffs Who Lack Standing Due to Their Bankruptcy Filings**

7 Pursuant to the Court's Order (ECF No. 259, at 9:17-10:12), the Parties stipulate that the
8 following individuals' claims under the FLSA are dismissed.

- 9 1. Ott Ashton
- 10 2. Sherry R. Avery-Andrade
- 11 3. Daniel James Bennett
- 12 4. Robyn Rene Corkhill
- 13 5. Cindy S. Delicce
- 14 6. Gonzalo Gonzalez De Orense
- 15 7. Howard Guidry Jr.
- 16 8. Arthur L. Grimes
- 17 9. Debbie L. Harrell
- 18 10. Sean K. Hornbeck
- 19 11. Chanel LaCroix
- 20 12. Vera E. Lambert
- 21 13. Robert Langdeau
- 22 14. John McCollister
- 23 15. McLean R. Middleton
- 24 16. Thomas L. Miles, Jr
- 25 17. Yolanda R. Monroe
- 26 18. Donald Rhodes

- 1 19. Kharamdeo Singh
- 2 20. Johan Van Arde
- 3 21. Slobodan Vranjes
- 4 22. Estelle J. Walker
- 5 23. Christopher Cine Weaver
- 6 24. Debra Regina Baker
- 7 25. Olmedo Vasquez-Saaverda
- 8 26. Leshon Walker
- 9 27. Richard Zicker

10 **II. Hawaii Class Members Who Lack Standing Due to Their Bankruptcy Filings**

11 Pursuant to the Court's Order (ECF No. 259, at 9:17-10:12), the Parties stipulate that the
12 following individuals' claims under the Hawaii Rev. Statutes are dismissed.

- 14 1. Bacus, David Aaron Kamuela
- 15 2. Brown, Michael John
- 16 3. Combs, Sean Lee
- 17 4. Galvez, Deborah Anne
- 18 5. Hall, Christa Dee
- 19 6. Maiorino, Pierpaolo
- 20 7. Mueller, Beau
- 21 8. Rasmussen, Ryan Alan
- 22 9. Smith, Berry Brown Cushing
- 23 10. Tinsley, Terry Richard
- 24 11. Johan Van Arde
- 25 12. Watson, Kevin Mark
- 26 13. Christopher Cine Weaver
- 27 14. Zogby, Michael John

1 15. Poulsen, Eric David
2

3 **III. FLSA Opt-In Plaintiffs Who are Partially Dismissed Due to Their Bankruptcy Filings**

4 Pursuant to the Court's Order (ECF No. 259, at 8:5-13), the Parties stipulate that the
5 following individuals' claims under the FLSA are dismissed up to the dates specified below, and
6 their "claims that arose after their bankruptcy proceeding was discharged or dismissed" will remain
7 in the action.

- 8 1. Brindisi Baker (claim dismissed for period prior to 4/12/17)
- 9 2. Richard Budzinski (claim dismissed for period prior to 8/2/16)
- 10 3. Joseph E. Farmer (claim dismissed for period prior to 4/12/18)
- 11 4. Ashraf M. Hantira (claim dismissed for period prior to 1/18/17)
- 12 5. Walter Larrea Illanez, JR (claim dismissed for period prior to 1/15/19)
- 13 6. Noelle M. Johnson (claim dismissed for period prior to 4/25/16)
- 14 7. Michelle I. Kelly (claim dismissed for period prior to 1/8/18)
- 15 8. Suzy C. Maier (claim dismissed for period prior to 3/27/18)
- 16 9. Vickie L. O'Neal (claim dismissed for period prior to 7/12/16)
- 17 10. Orlando R. Robinson (claim dismissed for period prior to 2/9/18)
- 18 11. Miodrag Stokuca (claim dismissed for period prior to 11/22/17)
- 19 12. Ricky Triplett (claim dismissed for period prior to 10/19/16)
- 20 13. Muriel C. Wallace (claim dismissed for period prior to 3/29/17)

21 **IV. Hawaii Class Members Who are Partially Dismissed Due to Their Bankruptcy Filings**

22 Pursuant to the Court's Order (ECF No. 259, at 8:5-13), the Parties stipulate that the
23 following individuals' claims under the Hawaii Rev. Statutes up to the dates specified below are
24 dismissed, and their "claims that arose after their bankruptcy proceeding was discharged or
25 dismissed" will remain in the action.

- 26 1. Aasand, Rebecca Marie (claim dismissed for period prior to 7/7/15)
- 27 2. Aghabekia, Mickey (claim dismissed for period prior to 8/22/16)

- 1 3. Bahouth, Jed James (claim dismissed for period prior to 5/1/13)
- 2 4. Bayles, Anthony Paul (claim dismissed for period prior to 7/12/16)
- 3 5. Bowers, Douglas Lee (claim dismissed for period prior to 2/19/15)
- 4 6. Clark, Cheyenne (claim dismissed for period prior to 11/4/14)
- 5 7. Edison, Coletta Anzalone (claim dismissed for period prior to 6/6/17)
- 6 8. Favors, Eddie Roy Jr (claim dismissed for period prior to 10/6/15)
- 7 9. Greger, Roberta L. (claim dismissed for period prior to 11/20/19)
- 8 10. Grubb, Corey B (claim dismissed for period prior to 8/4/15)
- 9 11. Illanez JR, Walter Larrea (claim dismissed for period prior to 1/15/19)
- 10 12. Johnson, Scott Harmon (claim dismissed for period prior to 12/8/15)
- 11 13. Kahoothanohano, Jodi (claim dismissed for period prior to 8/6/13)
- 12 14. Karpf, Paul Daniel (claim dismissed for period prior to 6/22/15)
- 13 15. Keyhani, Laura Elizabeth (claim dismissed for period prior to 3/9/16)
- 14 16. Llorach, Alejandro (claim dismissed for period prior to 7/18/17)
- 15 17. Norman, John Allen (claim dismissed for period prior to 12/23/15)
- 16 18. Poulsen, Eric David (claim dismissed for period prior to 2/11/14)
- 17 19. Reno, Jennifer Clair (claim dismissed for period prior to 9/3/14)
- 18 20. Tanoai, Chelsey Marie (claim dismissed for period prior to 3/4/17)

20 **V. FLSA Opt-In Plaintiffs Who are Dismissed Due to Collateral Estoppel**

21 Pursuant to the Court's Order (ECF No. 259, at 6:3-5), the Parties stipulate that the
22 following individuals' claims under the FLSA are dismissed.

- 23 1. Aljabi, Jamal
- 24 2. Almstead, Regina
- 25 3. Aly Silver Khaled
- 26 4. Baldus, Edward Fermin
- 27 5. Bard, Arian Suzanne

- 1 6. Becker, Jane
- 2 7. Benfatti, Ellen Marriette
- 3 8. Berger, Dawn Noelle
- 4 9. Blum, Susan Dale
- 5 10. Bobo, Elliott Wyatt
- 6 11. Bogard, Cheryl Lisa
- 7 12. Bolden, Demetria Jo
- 8 13. Brown, Kathleen Marie
- 9 14. Burke, Paul Brian
- 10 15. Burns, Patrick Ross
- 11 16. Caraballo, Nelson
- 12 17. Carroll, William Ronald
- 13 18. Charbonneau, Kent James
- 14 19. Clark, Carol Ann
- 15 20. Cleaver, Donna Jean
- 16 21. Colbert, Stanley Antione
- 17 22. Collins, Farideh
- 18 23. Collins, Jan L
- 19 24. Conklin, Kimberly Bernice
- 20 25. Connolly, Stephen Francis
- 21 26. Cromwell, Robert G.
- 22 27. Delevie, Todd David
- 23 28. Delicce, Cindy Sue
- 24 29. Demmer, Jonnie Lynn
- 25 30. Dempsey, Maria Ellen
- 26 31. Divac, Deborah Lou
- 27 32. Eisenstecken, Monica Rose
- 28 33. Erum, Tahira

1 34. Falcon, Jeffrey Louis Kenneth
2 35. Farley, Reginald Thomas
3 36. Figueroa, Felix Vicente
4 37. Figueroa, Shirley
5 38. Fitzhugh, Michael Anthony
6 39. French, Dayna Genise
7 40. Friessen, Kathleen Smith
8 41. Fuery, Shirley
9 42. Fyffe, Pamela Sue
10 43. Garrido Sean N
11 44. Goldstein, Michael Aaron
12 45. Gonzalez, De Orense Gonzalo Andres
13 46. Gonzalez, Daniel Alberto
14 47. Griner, Kami
15 48. Harrington, Vonda Kay
16 49. Harwick, Tammara Lynnae
17 50. Hazeltine, Randall Scott
18 51. Heine, Thomas Leslie
19 52. Heinze Michael D
20 53. Herndon,, Corinne Grant
21 54. Heusser, Michael Garold
22 55. Hojhalli, Altin
23 56. Hurley, Dorian Lee
24 57. Hyde, Irene Desoto
25 58. Javadiaghdam, Mehdi
26 59. Johnson, Allena Djundaidi
27 60. Johnson, Noelle Marisa
28 61. Johnson, Shawn Michael

1 62. Jones, Arlene Dawn
2 63. Joseph, Harrington Abbie S L
3 64. Kelly, Kenneth W
4 65. Kelly, Michelle Irene
5 66. Kelly, Patricia Louise
6 67. Kimble, Christina Louise
7 68. Kolbeck, Eileen Louise
8 69. LaCroix, Chanel Antionette
9 70. Landis, Cynthia Reeve
10 71. Langlois, Mike
11 72. Lewis, Robert David
12 73. Lim, Janice
13 74. Lindstrom, Brian Christopher
14 75. Linn, Roberta Aline
15 76. Louka, Joshua Emile
16 77. Margarini, Diane Maye
17 78. Marston, Christian John
18 79. Mayo, William Edward III
19 80. McCray, Joshua Jr
20 81. McGeehon, Cory Wayne
21 82. Mitchell, Patrick
22 83. Moles, Nicholas S.
23 84. Montani, Daniela
24 85. Moore, Abeda M.
25 86. Mutz, Jo Anne
26 87. Nichols, Loree Renee
27 88. Njegovec, Klementina
28 89. Olsen, James Jensen

- 1 90. Onody, Barry Allan
- 2 91. Ottaviano, Toni Yvonne
- 3 92. Parker, Robert Louis
- 4 93. Payne, Jason T
- 5 94. Peterson, Ryan Michael
- 6 95. Petty, Ronald W
- 7 96. Piper, William Francis
- 8 97. Puggioni, Carmen Iris
- 9 98. Qualls, Devon Albert
- 10 99. Read, Stephen
- 11 100. Regalado, Frank Thomas
- 12 101. Reynolds, Kathryn Lyn
- 13 102. Riedell, Raeleen Susanne
- 14 103. Saigali, James Elias
- 15 104. Sanchez Ruth Lynn
- 16 105. Saucedo,, Aguayo Irma
- 17 106. Sepulveda, Roberto Antonio
- 18 107. Serebrenik, Andrew Bradford
- 19 108. Shell, Brian Jeffrey
- 20 109. Shoemaker, Jennifer Lynn
- 21 110. Shook, Jeffrey Thomas
- 22 111. Silverio, Nicole Anne
- 23 112. Slutsky, Alan Martin
- 24 113. Smith, Timothy Mitchell
- 25 114. Sosa, Nicholas Anthony
- 26 115. Spano, Kathleen Ann
- 27 116. Thomas, Damon Theodore
- 28 117. Tomke, Johnna Jayne

1 118. Tsvetanova, Desislava Emilova
2 119. Varney, Marjie Szubert
3 120. Vertucci, Maria
4 121. Walker, Leslie Ann
5 122. Watkowski, David Joseph
6 123. Weaver, Suzanne
7 124. Weierbach, Wayne William
8 125. Whorton Micah James
9 126. Wooten, Thomas John
10 127. Yates,, Brandt Alan
11 128. Zummo, Evonne Filer

12 **VI. FLSA Opt-In Plaintiffs and Hawaii Class Members Who are Dismissed Due to
13 Individual Settlements**

14 Pursuant to the Court's Order (ECF No. 259, at 6:8-13), the Parties stipulate that the
15 following individuals' claims under the FLSA and Hawaii Rev. Statutes are dismissed.

- 16 1. Mary Bowling
17 2. Silver Aly
18 3. Jeffrey Barclay
19 4. Natasha Vea
20 5. Maxwell Miller

21 **VII. FLSA Opt-In Plaintiffs Who are Dismissed Due to Statute of Limitations**

22 Pursuant to the Court's Order (ECF No. 259, at 14:6-14), the Parties stipulate that the
23 following individuals' claims under the FLSA are dismissed.

- 24 1. Ott Ashton
25 2. Lisa Bauer
26 3. Jeremy Lynn Bennett
27 4. Taz Gregory Black

- 1 5. Raymond James Byerly
- 2 6. Andrea Quintino Campos
- 3 7. Olga Lucia Costello
- 4 8. Jonnie Lynn Demmer
- 5 9. Felix Vicente Figueroa
- 6 10. Daniel Andrew Fogle
- 7 11. Lisa Marie Franzone
- 8 12. Scott Brian Gayne
- 9 13. R Nadia Gilman
- 10 14. Elizabeth Mailene Gonzalez
- 11 15. Adam Christopher Hegi
- 12 16. Angello E Ibarra
- 13 17. Sonji Bonita Jones
- 14 18. Elias Maroun
- 15 19. Michael Brian Midgette
- 16 20. David Ronald Olesky
- 17 21. Vicki Lynn O'Neal
- 18 22. Grant Andrew Perryman
- 19 23. Carmen Iris Puggioni
- 20 24. James Elias Saigali
- 21 25. Brian Stewart Stacey
- 22 26. William Joseph Tortorella
- 23 27. Adam T Treat
- 24 28. Mary Donna Vollmer
- 25 29. Malgorzata J Walas
- 26 30. Ashley Frances Wellman

1 31. Letitia Marie White

2 IT IS SO STIPULATED this 10th day of February 2022.

3 HIRSCHFELD KRAEMER LLP

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5 _____
6 /s/ *Ferry Lopez*

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19 *Attorneys for Plaintiffs, Opt-in Plaintiffs and
Hawaii Class Members*

ORDER

20 Based on the Parties' Stipulation, and for good cause shown, it is hereby ORDERED that
21 the Stipulation of Dismissal as to Certain Opt-In Plaintiffs and Hawaii Class Members be granted,
22 and the individuals identified in the Stipulation are dismissed from the action as specified above.

23 IT IS SO ORDERED:

25 
26 _____
UNITED STATES DISTRICT JUDGE

27 DATED: February 11, 2022